

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
ELIZABETH MAGGIOLI)	
<i>Plaintiff,</i>)	
)	
v.)	
)	1:22-cv-11332-JCB
NOLAN ASSOCIATES, LLC, d/b/a)	
BOSTON HARBOR CRUISES,)	
<i>Defendant,</i>)	
_____)	

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Parties

1. The plaintiff, Elizabeth Maggiolo, is a natural person who resides at 14 Beckert Avenue in Revere, Suffolk County, Massachusetts.
2. The defendant, Nolan Associates, LLC, d/b/a Boston Harbor Cruises, is a Foreign Limited Liability Company authorized to operate within the Commonwealth of Massachusetts and having a principal place of business at 1 Long Wharf, Boston, Suffolk County, Massachusetts.

Factual Allegations

3. On August 18, 2019, the plaintiff, Elizabeth Maggioli, was in Boston Harbor on a 16-foot Boston Whaler being piloted by her husband.
4. On or about August 18, 2019, Elizabeth Maggioli was sitting in her Boston Whaler when her husband yelled for her to hang on. She looked to her left and saw a massive boat known as “Codzilla”, which was owned by the defendant, Nolan Associates, LLC, d/b/a Boston Harbor Cruises, speeding through the harbor at excessive speeds. The boat was far too

close to normal harbor traffic for the speed at which it was traveling, and which caused a massive wake. When the wake hit Elizabeth Maggioli's tiny Whaler, it through the boat up into the air and Mrs. Maggioli became airborne as well, landing on her coccyx in the well of the boat. As a result of this thoroughly reckless maneuver, Elizabeth Maggioli suffered severe spinal fractures requiring surgery.

5. The defendant described its Codzilla boat as "70 feet of marine aluminum and bad attitude, prowling the ocean with 2 turbo charged diesel engines, state of the art water jets and 2,800 horsepower. Its unique hull design makes it capable of thrilling turns and spinning on a dime to be sure to secure all hats, scarves and eyewear and bad hairpieces."
6. It is clear that this boat is meant to perform for thrill-seekers at high speeds, but unfortunately the maneuvers made on the day in question caused boaters in the same area to be exposed to unreasonable and unexpected dangers.

CAUSES OF ACTION

7. The plaintiff repeats and restates all of the allegations contained in paragraphs one through six above, as if expressly rewritten and set forth herein.
8. The plaintiff brings a claim against Nolan Associates, LLC, d/b/a Boston Harbor Cruises for negligence resulting in personal injuries.

WHEREFORE, the plaintiff demands judgment against the defendant for the above-described damages, together with interest and costs.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Respectfully submitted,

For The Plaintiff,
ELIZABETH MAGGIOLI ,

By Her Attorneys,

COLUCCI, COLUCCI & MARCUS, P.C.

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